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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 VICTOR L. DERAN,

13 Defendant.

NO. CR03-247-RSL

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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15 An evidentiary hearing on a petition for violation of supervised release was held before
16 the undersigned Magistrate Judge on February 24, 2009. The United States was represented by
17 Assistant United States Attorney Bruce Miyake, and the defendant by Paula S. Deutsch. The
18 proceedings were digitally recorded.

19 The defendant had been charged and convicted of Conspiracy to Steal and Sell
20 Firearms, in violation of 18 U.S.C. § 371, and Theft of Firearms from a Federal Firearms
21 Licensee, in violation of 18 U.S.C. § 2 and 922(u). On or about October 25, 2004, defendant
22 was sentenced by the Honorable Robert S. Lasnik to a term of forty-six (46) months in
23 custody, to be followed by three (3) years of supervised release.

24 The conditions of supervised release included the requirements that the defendant
25 comply with all local, state, and federal laws, and with the standard conditions. Special
26 conditions imposed included, but were not limited to, substance abuse program, financial

1 disclosure, \$22,460 restitution, submit to search, no new credit/loans, employment restrictions,
2 and personal identification restrictions.

3 In a Petition for Warrant or Summons, dated May 1, 2008, U.S. Probation Officer
4 Thomas J. Fitzgerald asserted the following violations by defendant of the conditions of his
5 supervised release:

- 6 (1) Consuming methamphetamine on or before January 16, 2008, in violation of
7 standard condition number seven of his supervised release.
- 8 (2) Consuming methamphetamine and Vicodin on or before March 17, 2008, in
9 violation of standard condition seven of his supervised release.
- 10 (3) Committing the crime of attempted residential burglary on or about April 6,
11 2008, in violation of the mandatory condition of supervised release that he not
12 commit another federal, state or local crime.
- 13 (4) Possessing drug paraphernalia on or about April 6, 2008, in violation of
14 standard condition number seven of his supervised release.

15 On February 17, 2009, defendant made his initial appearance. The defendant was
16 advised of the allegations and advised of his rights. On February 24, 2009, defendant
17 appeared for an evidentiary hearing on the alleged violations. Defendant admitted to violations
18 1, 2, 3 and 4.

19 I therefore recommend that the Court find the defendant to have violated the terms and
20 conditions of his supervised release as to violations 1, 2, 3 and 4, and that the Court conduct a
21 hearing limited to disposition. A disposition hearing on these violations has been set before the
22 Honorable Robert S. Lasnik on March 3, 2009 at 8:30 a.m.

23 Pending a final determination by the Court, the defendant has been detained.

24 DATED this 24th day of February, 2009.

25 
26 JAMES P. DONOHUE
United States Magistrate Judge

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3 cc: District Judge: Honorable Robert S. Lasnik
4 AUSA: Mr. Bruce Miyake
5 Defendant's attorney: Ms. Paula S. Deutsch
6 Probation officer: Mr. Thomas J. Fitzgerald
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